HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION No. 504 of 2006

PETITIONER : Abhay Narayan Pandey, S/o Shri Aditya Narayan Pandey, Aged about 46 years, R/o Near Panchdev Temple, Nammakala, Tahsil & District – Ambikapur (C.G.)

VERSUS

RESPONDENTS :
1. The Union of India, Through the Secretary, Home Department, New Delhi.
2. The State of Chhattisgarh, through the Secretary, Home Department, D.K.S. Bhawan, Raipur (C.G.)
3. I.G. Police, Ambikapur Range, Ambikapur (C.G.)
4. The Superintendent of Police, Balrampur, District Surguja (C.G.)
5. The S.H.O. Police Station, Shankargarh, District Surguja (C.G.)
6. Shivram Prasad Kalluri, Present S.P. Balrampur, District Surguja (C.G.)
7. Sub Inspector, Police Station Shankargarh, District Surguja (C.G.)
8. Police Station, Shankargarh, District Surguja (C.G.)
9. Hemant Kharre, Town Inspector, Ambikapur (C.G.)
10. Dr Ajmer Singh, S/o Kawalisingh, aged about 50, C.E.O. Janpad Panchayat, Shankargarh, District Surguja (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUION OF INDIA

SB: Hon'ble Shri Satish K. Agnihotri, J.

Present: Shri S.C.Verma, Advocate for the petitioner.
Shri A.K.Barik, Advocate appearing on behalf of Shri S.K.Beriwal, Standing Counsel for the Union of India.
Shri Vinay Harit, Deputy Advocate General with Shri Y.S.Thakur, Government Advocate for the State/respondent No. 2, 3, 4,5 7and 8.
Shri Y.C.Chaturvedi, Advocate for the intervenor.

ORDER

(Passed on 18th day of September, 2007)

1. The petitioner, allegedly a president of labour union namely "Swaraj Majdoor Union" Bauxite Mines, Surguja, has filed this petition seeking following reliefs:

231

"7.1. That this Hon'ble Court may be kind enough to handover the allegations of the petitioner for enquiry to the Central Bureau of Investigation or any judicial inquiry may be ordered.

7.2 That, the Superintendent of Police Balrampur may be ousted from service to save the society and poor people.

7.3 That, the petitioner may kindly be given proper safety and security.

7.4 That, this Hon'ble Court may be kind enough to award appropriate compensation to the petitioner for harassment done by the police.

7.5 That, any type of enquiry or order as the Hon'ble Court may deem fit in the present case in the facts and circumstances of the case may kindly be order to safe the interest of people general and the interest of the society."

2. Notice was issued and response was filed by the respondent authorities. After hearing learned counsel for the parties and having perused the documents appended to the pleadings, it is found that two criminal cases being case No. 308/2002 for the offences punishable under section 141, 341 I.P.C. and case No. 42/2005 for the offences punishable under section 186, 212, 294, 386 and 507 I.P.C. are pending trial before the Judicial Magistrate, First Class, Ambikapur. Learned counsel for the petitioner submits that these cases are false cases framed against the petitioner.

3. At this stage, it is not expedient to interfere with the trial proceedings pending before the Court of Judicial Magistrate First Class, Ambikapur. The petitioner will have full opportunity to prove his innocence before the Trial Court.

4. The allegations made by the petitioner in the petition have not been established on the basis of documents and other facts. The Superintendent

of Police has taken appropriate steps under provisions of law and the cases are pending consideration in the Trial Court. Thus, it is not desirable to transfer the dispute to the Central Bureau of Investigation as prayed for by the petitioner. For the purpose of safety and security, if it is found necessary, the petitioner is at liberty to make application before the competent Court for appropriate relief.

5. In regard to the complaint against one Dheeraj Jaiswal, it is submitted by the petitioner that the dispute between the petitioner and Dheeraj Jaiswal has already been settled between them.

6. In view of the foregoing, no interference is warranted. Even otherwise, no case has been made out for any further order in this petition.

7. Consequently, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit